IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6213 OF 2006

Smt Vijaya Manikrao Deshmukh and anr Petitioners

Vs

Shri Anandrao Yashwant Deshmukh & ors Respondents

Mr Dilip Bodake, for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 19.09.2006
PC:

1. Heard the learned counsel for the petitioners.

2. This writ petition challenges two orders dated 21.8.2006 passed on the application at Exhibit-217 and dated 14.8.2006 passed on the application at Exhibit 215 in Spl.Civil Suit No.7 of 2004. By the first order, the prayer of the petitioners for issuance of witness summons to the Commander Upper Police Mahanirikshak, Group Kendra, Gujrat, has been rejected. To my mind, the Court has, for the reasons recorded in the orders and in particular paragraph 3 thereof, rightly rejected the said application and I see no reason to interfere with the same under Article 227 of the Constitution of India.

3. Insofar as the order dated 14.8.2006 is concerned, after having gone through the same, in the interest of justice, I am inclined to grant one more

opportunity to the petitioners to secure presence of A.S.Pol, Branch Manager, Bank of Maharashtra, or any other officer of the said Bank. The application to that effect shall be made within two weeks from today and if such an application is filed, the Court will issue fresh witness summons and examine the witness within three weeks therefrom. It would be the responsibility of the petitioners to serve the witness summons and secure presence of the witness in court within the aforesaid time. If the petitioners fail to do so, the trial court shall proceed with the hearing of the suit without examining the said witness. With these observations, the writ petition is disposed of.

(D.B.BHOSALE,J.)